

Paul Conable, OSB No. 975368
Email: paul.conable@tonkon.com
Caroline Harris Crowne, OSB No. 021315
Email: caroline.harris.crowne@tonkon.com
Samantha Taylor, OSB No. 220974
Email: samantha.taylor@tonkon.com
TONKON TORP LLP
888 SW Fifth Avenue, 16th Floor
Portland, OR 97204-2099

Attorneys for Plaintiffs

Clifford S. Davidson, OSB No. 125378
Email: csdavidson@swlaw.com
Brett E. Applegate, OSB No. 132944
Email: bapplegate@swlaw.com
Mackenzie E. L. Wong, OSB No. 214984
Email: melwong@swlaw.com
SNELL & WILMER L.L.P.
601 SW 2nd Avenue, Suite 2000
Portland, Oregon 97204

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

CHERI PIKE and CAROLE MACHADO, as
Co-Trustees of The Carole A. Machado
Revocable Living Trust,

Plaintiffs,

vs.

LITTLEJOHN FINANCIAL SERVICES, INC.,
an Oregon corporation; FRED DAVID
LITTLEJOHN II, an individual,

Defendants.

Civil No. 6:24-cv-00707-MC

**JOINT REPORT ON RULE 26(F)
CONFERENCE AND PROPOSED
DISCOVERY PLAN**

Conference of Counsel

The parties hereby submit their Joint Report of Rule 26(f) Conference and Proposed Discovery Plan. Pursuant to Fed. R. Civ. P. 26(f), the parties conferred on June 20, 2024. The parties have reached an agreement on all points below.

Initial Disclosures

The parties agree to waive the initial disclosures required by Rule 26(a)(1).

Electronic Service Agreement

The parties agree to mutual service of discovery “by other electronic means” and that they have through submission of this Report “consented to in writing” to service of discovery via email pursuant to Fed. R. Civ. P. 5(b)(2)(E).

Protective Order for Confidential Information

The parties agree that certain confidential documents and information will be exchanged in this case and that a Stipulated Protective Order pursuant to Fed. R. Civ. P. 26(c) is appropriate to protect the confidential nature of such information. The parties will submit an agreed upon Stipulated Protective Order for this purpose consistent with the Federal Rules of Civil Procedure and the Local Rules of the Oregon District.

Alternative Dispute Resolution

Pursuant to the Court’s April 26, 2024, Civil Case Assignment Order, the parties will confer regarding alternative dispute resolution in accordance with Local Rule 16-4(c).

Discovery Plan

The parties propose the following discovery plan:

1. Discovery will be needed on all issues raised by the pleadings pursuant to the scope of discovery contemplated by Rule 26(b)(1).

///

2. As to any discovery dispute, counsel will make every reasonable effort to resolve by telephone in good faith any such dispute. In the event that matter cannot be resolved, the parties will jointly make contact with the Court for guidance. All email and letters associated with any such dispute will copy the email group distribution list provided by each side.

3. Depositions will be taken by agreement, with both sides attempting to agree upon the dates and locations for depositions. The parties will follow the Federal Rules of Civil Procedure and any applicable Local Rules regarding all limitations with respect to discovery.

4. Depositions will proceed in the ordinary course and in accordance with the Federal Rules of Civil Procedure.

5. Disclosure and discovery of electronically stored information will be handled as follows:

a. Electronically stored information shall be converted to images and produced in a load file via disc (or secure link) with the following folder structure:

- i. Images Folder: All images shall be single-page TIFFs (for B&W images) and/or single-page JPGs (for color images).
- ii. OCR Folder: Multi-page OCR/extracted text.
- iii. Data Folder:
 - 1. .DAT file (with metadata and text field path for OCR).
 - 2. .OPT file.
- iv. Natives Folder: If producing native files.
- v. The parties agree to process the documents using Pacific Time.

b. Metadata Fields

i. The following metadata fields will be provided in the .DAT file:

<u>FIELD NAME</u>	<u>DESCRIPTION</u>
BEGDOC#	Bates number of the first page of a document
ENDDOC#	Bates number of the last page of a document

<u>FIELD NAME</u>	<u>DESCRIPTION</u>
BEGATTCH	Bates number of the first page of the parent of an attachment
ENDATTCH	Bates number of the last page of the last attachment to a parent document
PARENTID	Begdoc# for parent document
ATTCHIDS	Begdoc#'s for all attached documents
FILEPATH	The original location of a file on a network, workstation or CD, or the original folder location of an email in an Outlook mailbox
DOCTYPE	The file type of a document (Microsoft Word Document, Outlook Message File, Portable Document Format, etc.)
FILENAME	Original name of the native file or email
FILEEXT	Extension from filename (DOC, XLS, PPT, MSG, etc.)
MD5HASH	Program generated unique document identifier
AUTHOR	The creator of a native file
EMAIL FROM	The sender of an email
EMAIL TO	The recipients to an email who are included in the To line
EMAIL CC	The recipients to an email who are included in the CC line
EMAIL BCC	The recipients to an email who are included in the BCC line
EMAIL SUBJECT	The subject line of an email
DATESENT	The date an email was sent
TIMESENT	The time an email was sent
PGCOUNT	Amount of pages of document
DATEMODIFIED	The date a document was last modified
TIMEMODIFIED	The time a document was last modified
DATECRTD	The date the document was created
TIMECRTD	The time the document was created
SOURCE	Document custodian – person from whom the document was collected
CDVOL	The volume name of the processing set
TEXTLINK	The relative path to load the OCR/extracted text files
DOCLINK	The relative path to create the link for the native version of the document (i.e. *\\PROD01\\NATIVES\\0001\\EX000001.doc)

<u>FIELD NAME</u>	<u>DESCRIPTION</u>
DESIGNATIONS	Confidentiality designation (if any)

ii. Hard copy documents may be scanned or copied to .pdf formats with OCR capabilities. Both parties reserve their rights to request the production of documents or other ESI in their original or native formats and agree to comply with any such request unless the producing party obtains a protective order permitting the production in paper, .pdf, or .tif format. Accordingly, the parties will make reasonable efforts to preserve documents in their original or native formats and to request all persons specifically identified in Rule 26 Initial Disclosures listed above to do the same.

6. All deposition exhibits will be numbered sequentially as Exhibits 1, 2, etc., regardless of the identity of the deponent or the side introducing the exhibit and the same numbers will be used in pretrial motions and at trial. The parties further agree that documents used as exhibits for prior depositions need not be re-marked as new deposition exhibits for later depositions.

7. Absent discovery of new information hereafter, the parties must join any additional parties by August 26, 2024.

8. Absent discovery of new information hereafter, the parties must amend pleadings by August 26, 2024.

9. Fact discovery shall be completed by January 27, 2025.

10. Expert disclosures and reports shall be exchanged pursuant to Rule 26(a)(2) by March 10, 2025.

11. Rebuttal expert disclosures and reports shall be exchanged pursuant to Rule 26(a)(2) by April 7, 2025.

///

///

///

12. Dispositive motions shall be filed by June 20, 2025.

DATED: June 24, 2024.

TONKON TORP LLP

SNELL & WILMER L.L.P.

By s/ Samantha Taylor
Paul Conable, OSB No. 975368
Direct: 503.802.2188
Email: paul.conable@tonkon.com
Caroline Harris Crowne, OSB No. 021315
Direct: 503.802.2056
Email: caroline.harris.crowne@tonkon.com
Samantha Taylor, OSB No. 220974
Direct: 503.802.2042
Email: samantha.taylor@tonkon.com
888 SW Fifth Avenue, 16th Floor
Portland, OR 97204-2099

Attorneys for Plaintiffs

Dated: June 24, 2024

By: s/ Clifford S. Davidson
Clifford S. Davidson, OSB No. 125378
Email: csdavidson@swlaw.com
Brett E. Applegate, OSB No. 132944
Email: bapplegate@swlaw.com
Mackenzie E. L. Wong,
OSB No. 214984
Email: melwong@swlaw.com

Attorneys for Defendants Littlejohn
Financial Services, Inc., and Fred
David Littlejohn II

Dated: June 24, 2024

044240\00001\17294762v2